

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Longhorn Communications Inc. Request for) Call Signs WPOJ213, WPOJ215, WPOJ216,
Waiver or Extension of Time to Construct) WPOJ217, WPOJ218, WPOJ219, WPOJ220,
) WPOJ221, WPOJ222, WPOJ223, WPOJ224,
) WPOJ225, WPOJ226, WPOJ227, WPOJ228,
) WPOJ230 and WPOJ233

ORDER ON RECONSIDERATION

Adopted: July 8, 2014

Released: July 8, 2014

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. In this Order we address the Petition for Reconsideration (Petition) of Longhorn Communications Inc. (Longhorn) regarding their above-captioned 220 MHz licenses (the "Licenses").¹ For the reasons discussed below, we deny the Petition and affirm the Division's decision to deny Longhorn's request for additional time to construct the Licenses. We also affirm the Division's associated dismissal of Longhorn's renewal applications for the Licenses.

I. BACKGROUND

2. On March 22, 1999, the Commission granted the Licenses to Longhorn; each had a five-year construction deadline of March 22, 2004, and ten-year construction deadline of March 22, 2009.² On April 5, 2004, Longhorn timely submitted its five-year construction notifications for the Licenses.³ On March 20, 2009, however, two days before the Licenses' ten-year construction deadline, Longhorn filed requests for waiver⁴ or extension of time⁵ to construct the Licenses until March 31, 2012, (collectively,

1 Longhorn Communications Inc., Petition for Reconsideration at 1 (filed June 6, 2011) ("Petition") attached to FCC File Nos. 0003775873, 0003775874, 0003775875, 0003775876, 0003775877, 0003775878, 0003775879, 0003775880, 0003775881, 0003775882, 0003775883, 0003775884, 0003775885, 0003775886, 0003775887, 0003775888, and 0003775889.

2 Pursuant to section 90.767 of the Commission's rules, an Economic Area (EA) or Regional Economic Area Groupings (REAG) 220 MHz licensee must construct a sufficient number of base stations (i.e., base stations for land mobile and/or paging operations) to provide coverage to at least one-third of the population of the EA or REAG within five years of the issuance of its initial license and at least two-thirds of the population of its EA or REAG within ten years of the issuance of its initial license. 47 C.F.R. § 90.767.

3 See, e.g., FCC File Nos. 0001685861 (WPOJ213); 0001685877 (WPOJ215).

4 A waiver may be granted, pursuant to section 1.925 of the Commission's rules, if the petitioner establishes that: (1) the underlying purpose of the rule would not be served or would be frustrated by application to the instant case, and that grant of the waiver would be in the public interest; or (2) unique or unusual factual circumstances exist, such that application of the rule would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative. 47 C.F.R. § 1.925.

5 Section 1.946(e) of the Commission's rules provides that an extension of time to complete construction "may be granted if the licensee shows that the failure to meet the construction or coverage deadline is due to involuntary loss (continued....)

“Extension Requests”).⁶ Longhorn concurrently filed renewal applications for the Licenses⁷ and requested waiver of Section 90.743(a) of the Commission’s rules that requires demonstration of substantial service at the time of license renewal (collectively, “Renewal Applications”).⁸

3. In the Extension Requests, Longhorn argued that (1) the continued lack of 5 kHz bandwidth land mobile equipment for the 220 MHz band caused delays in its system build-out and that such delays were beyond its control;⁹ (2) licensees in other services who faced similar equipment unavailability received construction extensions;¹⁰ and (3) constructing a system using outdated equipment as a stop-gap measure to meet the construction deadline would not serve the underlying purpose of the rules.¹¹ Longhorn noted that it was “working on” a software defined radio (SDR) technology to support narrow bandwidth transmission of encrypted data.¹² Longhorn also claimed that it was seeing interest in the band by critical infrastructure entities that could result in the development of equipment to be used on its channels; and that it believed that manufacturer efforts to develop 6.25 kHz equipment in other bands could serve as a driver for narrowband voice equipment in 220 MHz.¹³

4. On May 5, 2011, the Mobility Division (Division) denied the Extension Requests and dismissed the Renewal Applications.¹⁴ The Division found that unlike other licensees in the 220 MHz band who constructed their licenses using available equipment,¹⁵ Longhorn made a voluntary business

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of site or other causes beyond its control.” Section 1.946 also lists specific circumstances where extension requests will not be granted, including delays caused by a failure to obtain financing, because the license undergoes a transfer of control, or because the licensee fails to order equipment in a timely manner. 47 C.F.R. § 1.946(e).

⁶ FCC File Nos. 0003775873, 0003775874, 0003775875, 0003775876, 0003775877, 0003775878, 0003775879, 0003775880, 0003775881, 0003775882, 0003775883, 0003775884, 0003775885, 0003775886, 0003775887, 0003775888, and 0003775889 (filed Mar. 20, 2009).

⁷ FCC File Nos. 0003775907, 0003775908, 0003775909, 0003775910, 0003775911, 0003775912, 0003775913, 0003775914, 0003775915, 0003775916, 0003775917, 0003775918, 0003775919, 0003775920, 0003775921, 0003775922, and 0003775923 (filed Mar. 17, 2009).

⁸ See 47 C.F.R. § 90.743(a).

⁹ Extension Requests at 2.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ Letter from Thomas Derenge, Deputy Division Chief, Mobility Division, Wireless Telecommunications Bureau, Federal Communications Commission, to Dean S. Kozel, Longhorn Communications Inc., 26 FCC Rcd 6716, 6717 (2011) (“*Dismissal Order*”).

¹⁵ In 2004, the Bureau had granted three-year extensions past the initial five-year construction deadlines to all Phase II 220 MHz licensees due to multiple requests and concerns over equipment availability. The Bureau declined, however, to extend the end-of-term, ten-year construction deadline for all the licensees as requested. The Bureau reasoned that the additional three years past the mid-term requirement would be sufficient overall for the licensees to consolidate their licenses, develop new technologies, and take advantage of technical flexibility from revised 220 MHz service rules by the end of their license terms. See Request of Warren C. Havens for Waiver or Extension of the Five-Year Construction Requirement for 220 MHz Service Phase II Economic Area and Regional Licensees, Request of BizCom USA, Inc. for Waiver and Extension of the Construction Requirements for 220 MHz Service Phase II Regional and Nationwide Licensees, and Request of Cornerstone SMR, Inc. for Waiver of Section 90.157 of the Commission’s Rules, *Memorandum Opinion and Order*, 19 FCC Rcd 12994, 13002 ¶ 19 (2004).

decision to continue to wait for a specific type of equipment.¹⁶ The Division applied the Commission's long-standing precedent that voluntary business decisions are not circumstances beyond the licensee's control for purposes of regulatory relief and denied the Extension Requests.¹⁷ The Bureau also pointed out that the Commission, prior to the 220 MHz auctions, stated that it "makes no warranties about the use of this spectrum for particular services. Applicants should be aware that a Commission auction represents an opportunity to become a Commission licensee in this service, subject to certain conditions and regulations. A Commission auction does not constitute an endorsement by the Commission of any particular services, technologies, or products, nor does a Commission license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture."¹⁸

5. Further, the Division found unpersuasive Longhorn's request for regulatory relief based on its unsupported contention that additional equipment options were forthcoming in the band.¹⁹ Thus, the Division found that Longhorn failed to demonstrate or provide material evidence that further regulatory relief would result in the Licenses being put to use in the near term. The Bureau concluded that allowing an extension well beyond the license term in the hopes that a particular business model would come to fruition was not in the public interest, particularly when other 220 MHz licensees had constructed facilities and provided service.²⁰

6. Finally, the Division found Longhorn's reliance on the *LMDS MO&O* decision misplaced.²¹ In the *LMDS MO&O* the Wireless Telecommunications Bureau (Bureau) granted a nearly four-year extension of time to Local Multipoint Distribution Service (LMDS) licensees after their ten-year construction requirement under Section 101.1011(a) of the Commission's Rules²² due to equipment availability issues.²³ The Division found that the *LMDS MO&O* was distinguishable on its facts because, unlike LMDS licensees, sufficient equipment options were available for 220 MHz licensees.²⁴ Instead, the Division concluded that its action was consistent with the treatment of licensees in the 218-219 MHz service, where licensees initially received construction extensions due to equipment difficulties, but were later denied further relief where licensees made business decisions not to initiate service using available equipment.²⁵

7. On June 6, 2011, Longhorn filed a Petition for Reconsideration of the Bureau's decision to deny the Extension Requests and dismiss the Renewal Applications.

¹⁶ *Dismissal Order*, 26 FCC Rcd at 6718-19.

¹⁷ *Id.* at 6718-20.

¹⁸ Amendment of Part 90 of the Commission's Rules To Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service Implementation of Sections 3(n) and 332 of the Communications Act; Regulatory Treatment of Mobile Services Implementation of Section 309(j) of the Communications Act -- Competitive Bidding, *Third Report and Order*, 12 FCC Rcd 10943, 10953, ¶ 19 (1997).

¹⁹ *Dismissal Order*, 26 FCC Rcd at 6719-20.

²⁰ *Id.*

²¹ *Id.* at 6720, *citing*, Applications filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waivers of Section 101.1011 of the Commission's Rules and Extensions of Time to Construct and Demonstrate Substantial Service, *Memorandum Opinion and Order*, 23 FCC Rcd 5894 (WTB 2008) (*LMDS MO&O*).

²² 47 C.F.R. § 101.1011.

²³ *LMDS MO&O*, 23 FCC Rcd at 5906, ¶ 26.

²⁴ *Dismissal Order*, 26 FCC Rcd at 6719-20.

²⁵ *Id.* at 6720.

II. DISCUSSION

8. For the reasons discussed below, we find Longhorn's arguments unpersuasive, affirm the Division's decision, and deny the Petition. Longhorn makes three arguments in the Petition: (1) the Bureau's decision was not supported by factual information regarding the availability of equipment for or the extent of construction in the 220 MHz band; (2) Longhorn received disparate treatment from similarly situated entities; and (3) grant of the Extension Requests is in the public interest.

9. The Division appropriately determined that the requested relief was not warranted in this case. The Division's decision in the *Dismissal Order* was based largely on the fact that Longhorn failed to construct the Licenses due to its voluntary decisions.²⁶ As we noted, it is well established that voluntary business decisions are not circumstances beyond the licensee's control for the purposes of satisfying the requirements of section 1.946.²⁷ Longhorn acknowledges that during its license term, some equipment was available for use in the 220 MHz band;²⁸ and our search of the Commission's equipment database reflects equipment was approved for the 220 MHz service prior to 2009. Further, Longhorn chose to obtain the channels it did at auction and also chose not to take advantage of secondary markets to either obtain additional adjacent channels to use wider bandwidth equipment that was available or sell the licenses to others that may have had a plan to meet their 10-year requirement. Rather than avail itself of available equipment or secondary markets, Longhorn chose to seek a long term extension in hopes that more desirable equipment would be developed.²⁹ Longhorn's voluntary business decisions do not support grant of a construction extension and the Division did not err in denying Longhorn its requested relief.³⁰ As the Commission stated in *Havens 220 MHz Reconsideration Order*, "[w]e have consistently denied extension requests from licensees in the 220 MHz band when those licensees made the voluntary decision not to deploy available equipment to provide service within their license areas."³¹

²⁶ *Dismissal Order*, 26 FCC Rcd at 6719.

²⁷ See 47 C.F.R. § 1.946(e). See, e.g., Letter to Nancy J. Douglas, Douglas SMR Works from Roger S. Noel, Wireless Telecommunications Bureau, FCC, 24 FCC Rcd 8596 (2009); Eldorado Communications, L.L.C., Request for a Waiver and Extension of the Broadband PCS Construction Requirements, File No. 0000866735, *Order*, 17 FCC Rcd 24613 (2002); Motient Communications Inc. Request for a Waiver and Extension of the 800 MHz Construction Requirements, *Order*, 19 FCC Rcd 13086, 13091-92 (2004) (denying a construction extension based in part on licensee's lack of diligence in seeking to construct or acquire equipment).

²⁸ Petition at 4 (acknowledging that Tantalus Systems Corp. received FCC certification for 5 kHz channel equipment for use in the 200 MHz band).

²⁹ Longhorn's Extension Request presented no clear plan to implement service in the near term. Instead, Longhorn made unsupported statements that it (1) was "working on a software defined radio (SDR) solution to support and facilitate narrow bandwidth transmission of data"; (2) was seeing increased interest in the band that could lead to new equipment; and (3) believed manufacturer efforts for 6.25 kHz equipment in other bands could drive narrowband voice equipment for 220 MHz. Extension Request at 2.

³⁰ See Warren C. Havens, Applications for Waiver and/or Extension of the Five and Ten Year Construction Deadlines, Applications for Renewal of 220 MHz Licenses, *Order on Reconsideration*, 29 FCC Rcd 1019 ¶ 13 (Mobility Division, WTB 2014) (where readily available equipment existed to deploy service in the 220 MHz band, licensee's business decision to pursue other technologies for which suitable equipment was not available, did not support extension or waiver of construction deadlines) (*Havens 220 MHz Reconsideration Order*).

³¹ *Id.* at 29 FCC Rcd 1019 at ¶ 37, citing Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Nancy J. Douglas, Douglas SMR Works, Inc., 24 FCC Rcd 8596 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Robert LaRue, Know LaRue Separate Property Trust, 24 FCC Rcd 8621 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel, Chief, Mobility Division, Wireless Telecommunications Bureau, to Kansas City Wireless Partners, LLP, 24 FCC Rcd 8625 (WTB-MD 2009); Letter dated June 26, 2009, from Roger S. Noel,

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10. *Factual Discrepancies.* We find that the Division's decision is not affected by factual discrepancies in the *Dismissal Order* and that the Division appropriately denied the requested relief. Longhorn argues that the *Dismissal Order* was not factually supported regarding the availability of equipment for or the extent of construction in the 220 MHz band.³² Neither argument, however, warrants reversal of the Division's decision.

11. Regarding the availability of 220 MHz band equipment, Longhorn correctly points out that the Division's search of the Commission's equipment database as of April 25, 2011, inappropriately included equipment that was approved after Longhorn's construction deadline.³³ Nonetheless, our review of the Commission's equipment database reflects that some equipment was available for use in the 220 MHz band prior to 2009, during the Licenses' term. Indeed, Longhorn's earlier construction of the Licenses, as demonstrated by the filing and acceptance of its five-year construction notifications,³⁴ evidences that equipment was available in the 220 MHz band. Rather than use equipment that was available during its license term, however, Longhorn made the business decision to wait for what it thought to be more desirable equipment based on its "belie[f] that one or more manufacturers are developing equipment that could be used with Longhorn's channels."³⁵ As the Division stated in the *Havens 220 MHz Reconsideration Order*, "[w]hile licensees are free to investigate, invest in, and pursue a wide range of technologies and service options, regulatory compliance is ultimately demonstrated by material accomplishments in the use of the spectrum resource to provide service."³⁶ Despite the availability of equipment, Longhorn failed to make demonstrable accomplishments in the construction of the Licenses. Accordingly, any factual discrepancies regarding the quantity of available equipment do not support reversal of the Division's decision.

12. Regarding the level of construction in the 220 MHz band, Longhorn argues that less than 10 percent of the original 220 MHz licenses granted in Auction No. 18 have had their construction notifications accepted by the Commission and this level of construction does not support the Division's finding that "many licensees are providing service in the public interest."³⁷ We find that the level of construction among other 220 MHz licensees does not warrant an extension or waiver of Longhorn's construction deadlines. As stated above, the Division's decision in the *Dismissal Order* was based largely Longhorn's voluntary business decision to pursue other technologies rather than construct the Licenses using available equipment. That some licensees in the 220 MHz band constructed their licenses,³⁸ reinforced the Division's conclusion that equipment was available for Longhorn to undertake

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Chief, Mobility Division, Wireless Telecommunications Bureau, to David G. Boyle, 24 FCC Rcd 8600 (WTB-MD 2009).

³² Petition at 4-7.

³³ *Id.* at 4-5.

³⁴ *See id.* at 2 ("Longhorn acquired the entire remaining stock of Uniden radios and was able to construct many of its licenses in order to meet its five-year construction deadline in 2004").

³⁵ Extension Requests at 2.

³⁶ *Havens 220 MHz Reconsideration Order*, 29 FCC Rcd 1019 at ¶ 30, *citing*, Warren C. Havens, Skybridge Spectrum Foundation, Verde Systems, LLC and its predecessor in interest, Telesaurus VPC, LLC, Applications for Waiver and/or Extension of the Five and Ten Year Construction Deadlines, Applications for Renewal of 220 MHz Licenses, *Order*, 27 FCC Rcd 5841 ¶ 20 (2012).

³⁷ Petition at 5-7.

³⁸ We do not address Longhorn's unsupported allegations that some 220 MHz licensees may have implemented stop-gap systems without providing actual service. *See* Petition at 6-7. Such bare allegations are not relevant to the merits of Longhorn's Extension Requests.

construction.³⁹ Longhorn's claims of equipment unavailability ring hollow when other licensees were able to successfully construct their licenses. Longhorn's reliance on the level of construction in the 220 MHz band is misplaced and does not support an extension of its construction deadlines.

13. *Disparate Treatment.* Longhorn again argues that, because the Bureau granted extensions to LMDS licensees based on their difficulties in obtaining viable, affordable equipment,⁴⁰ there is "no rational basis for the disparate treatment afforded Longhorn," which faced similar difficulties.⁴¹ As the Division concluded in the *Dismissal Order*, the *LMDS MO&O* is not binding precedent here.⁴² In the *LMDS MO&O*, the Bureau found that a majority of LMDS licensees for whom buildout requirements were approaching had sufficiently demonstrated that they faced factors beyond their control, including difficulties in obtaining viable, affordable equipment.⁴³ Based on this demonstration, the Bureau granted these licensees a nearly four-year extension of their construction requirements.⁴⁴ As discussed above, we do not find that Longhorn has sufficiently demonstrated that they lack equipment options; rather Longhorn's construction at the five-year mark and the Division's review of the Commission's equipment database demonstrates that some equipment options were available to meet the Longhorn's construction requirement. We note too that other 220 MHz licensees have constructed their licenses and filed construction notifications, which have been accepted by the Commission, further demonstrating that 220 MHz equipment was available.⁴⁵ Thus, unlike the petitioners in the *LMDS MO&O* who lacked equipment options, Longhorn does not meet the requirements for regulatory relief and is not entitled to an extension of its construction deadlines.⁴⁶

³⁹ For example, a ULS search of 220 MHz licenses reveals that some 220 MHz licensees deployed narrowband data applications, such as SCADA in support of utility services.

⁴⁰ Applications filed by Licensees in the Local Multipoint Distribution Service (LMDS) Seeking Waivers of Section 101.1011 of the Commission's Rules and Extensions of Time to Construct and Demonstrate Substantial Service, *Memorandum Opinion and Order*, 23 FCC Rcd 5894 (WTB 2008) (*LMDS MO&O*).

⁴¹ Petition at 9.

⁴² *Dismissal Order*, 26 FCC Rcd at 6720.

⁴³ *LMDS MO&O*, 23 FCC Rcd at 5905 ¶ 24. We note that when some LMDS licensees requested a second extension of their construction requirement the Commission denied these request because equipment had subsequently become available. *See, e.g.*, Progressive Communications, Inc. Request for Extension of Time, or in the alternative, Limited Waiver of Substantial Service Requirements for Local Multipoint Distribution Service Station WPLM324, *Memorandum Opinion and Order*, 27 FCC Rcd 14193, 14197 ¶ 13 (Broadband Division, Wireless Telecommunications Bureau 2012) (denying further extension of LMDS construction deadline where licensee no longer faced difficulties in obtaining necessary equipment, but chose not to construct with available equipment).

⁴⁴ *Id.* at 59056 ¶ 26. The licensees had various construction deadlines in 2008 and 2009 and the Bureau granted a uniform extension of the construction deadlines of June 1, 2012. *Id.*

⁴⁵ *See e.g.*, ULS File Nos. 0003741394, 0003189937, 0003780960, and 0003781310.

⁴⁶ *See supra* n. 31. This approach is also consistent with our treatment of similarly situated licensees in the 218-219 MHz band. *See, e.g.*, Letter from Katherine M. Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Buddy C. Stanley, ITV, Inc., 20 FCC Rcd 9548 (May 31, 2005), *recon den.*, Application of ITV, Inc. to Renew the License for Station KIVD0011, San Francisco-Oakland, California, in the 218-219 MHz Service, *Memorandum Opinion and Order*, 22 FCC Rcd 1908 (WTB MD 2007); Letter from Thomas P. Derenge, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Stephen E. Coran, Esquire, Counsel for U.S. Telemetry, 22 FCC Rcd 1921 (WTB MD Jan. 31, 2007). In addition, it is worth noting that when some LMDS licensees sought further extension of their construction deadlines arguing that they continued to lack desirable equipment, the Broadband Division denied further relief. *See* In the Matter of Aircom Consultants, Inc., Requests for Extension of Time, or in the alternative, Limited Waiver of Substantial Service Requirements for Five Local Multipoint Distribution Service Licenses, *Memorandum Opinion and Order*, 27 FCC Rcd. 14274 (2012); In

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14. *Public Interest.* The Division appropriately concluded that grant of the requested relief would neither serve the underlying purposes of our construction requirement nor be in the public interest. The Commission's performance requirements are intended to ensure prompt delivery of services, to prevent stockpiling and warehousing of spectrum by licensees, and to promote investment and deployment of new technologies and services.⁴⁷ Rather than provide concrete business plans for the construction of the Licenses and the initiation of actual service, Longhorn's Extension Requests were based on its unsupported beliefs that manufacturers were developing (1) equipment that *could* be used with Longhorn's channels; (2) 6.25 kHz radios that *could* drive narrowband voice equipment at 220 MHz; and (3) an SDR solution for narrow bandwidth data transmission.⁴⁸ Longhorn's lack of specificity is echoed in the Petition where it professes a "desire[] to create" an unspecified 220 MHz system to provide "reliable, competitive services to its customers."⁴⁹ Based on this record, we find that the Division appropriately determined that Longhorn's "speculative [equipment] options" failed to demonstrate that the requested relief would result in the Licenses "being put to use in the near term."⁵⁰ In addition, we find that the Division correctly concluded that granting an extension of the construction deadline "to explore options or in hopes that a particular business model comes to fruition is not in the public interest; especially when other entities have been able to construct facilities and provide service."⁵¹ As we stated in the *Havens 220 MHz Reconsideration Order*, "the public interest cannot be served solely by promises of future development."⁵² We find that the public interest is best served by affirming the Division's denial of relief.

15. In sum, we find that Longhorn's failure to meet its regulatory obligations are the result of its own business decisions, that its treatment was consistent with other 220 MHz licensees seeking more time due to equipment issues, and that the public interest would not have been served by granting Longhorn's request. Accordingly, we affirm the Division's decision to deny Longhorn's requested relief. As a result, the Licenses terminated on March 22, 2009, and we affirm the Division's dismissal of the Renewal Applications.

16. Finally, because we affirm the termination of the licenses pursuant to the *Dismissal Order*, we make no finding on whether the Licenses may have canceled before the 10-year construction benchmark for violating the permanent discontinuance rules in section 90.157. That is, Longhorn claims to have met its 5-year construction benchmark, but when the manufacturer of its equipment subsequently abandoned support, Longhorn decided "that there was no viable market for 5 kHz services using unsupported equipment," and stopped using the equipment.⁵³ Therefore, we question whether Longhorn's licenses may have canceled automatically prior to its ten year deadline for discontinuance pursuant to

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the Matter of Speedusny.com, L.P., Requests for Extension of Time, or in the Alternative, Limited Waiver of Substantial Service Requirements for Local Multipoint Distribution Service Licenses WLT379 *Memorandum Opinion and Order*, 27 FCC Rcd. 15321 (2012).

⁴⁷ See 47 U.S.C § 309(j)(4)(B).

⁴⁸ Extension Requests at 2.

⁴⁹ Petition at 10.

⁵⁰ *Dismissal Order*, 26 FCC Rcd at 6719-20.

⁵¹ *Id.* at 6719-20.

⁵² *Havens 220 MHz Reconsideration Order*, 29 FCC Rcd 1019 at ¶ 34.

⁵³ See Petition at 2, 3.

section 90.157.⁵⁴

III. ORDERING CLAUSES

17. Accordingly IT IS ORDERED THAT, pursuant to Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the Petition for Reconsideration of Longhorn Communications Inc. IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Thomas Deringe
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁵⁴ 47 C.F.R. § 90.157. Pursuant to this section, licenses that discontinue operations for a period of greater than one year cancel automatically.